

REMARKS

Claims 1-68 remain pending in the application, with claims 11-23, 34-46, 48 and 49 withdrawn from consideration because of a restriction issued by the Examiner.

35 USC 112, Second Paragraph Rejection

The Examiner rejected claims 1-10, 24-33, 47 and 50-68 under 35 USC 112, second paragraph as allegedly being indefinite. In particular, the Examiner alleged that the recited “wherein the network services are performed without relying on either a client and server” is a negative limitation that does not clearly define the boundaries of the negative limitation. The Examiner alleged that the boundaries of what is meant by “client application” and “server application” are not sufficiently defined in the claims.

Although Applicants do not agree with the Examiner’s interpretation of the claims, the rejected language is deleted from claims 1-10, 24-33, 47 and 50-68. Claims 1-10, 24-33, 47 and 50-68 meet all of the requirements 35 USC 112, second paragraph. The Applicants respectfully request that the rejection of claims 1-10, 24-33, 47 and 50-68 under requirements 35 USC 112, second paragraph be withdrawn.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 over Matsuda in view of Wiedman

In the Office Action, claims 1-6, 8, 24-29, 31, 47 and 50-62 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. (“Matsuda”) in view of U.S. Patent No. 6,985,454 to Wiedman et al. (“Wiedman”). The Applicants respectfully traverse the rejection.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 recite a system and method relying on a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service.

The Examiner alleged Matsuda discloses use of a TCP/IP network (see Office Action, page 4). The Examiner alleged that accompanying RFC 791 "Transmission Control Protocol" allegedly "discloses the network has the ability to provide ACK and NACK service on page 20; message retries on page 4: section 'Reliability'; message duplication detection on page 4: section 'Reliability'; Message segmentation is disclosed as shown by accompanying REF 791 'Internet Protocol', pages 35-36 discuss fragmentation of a datagram" (see Office Action, page 4).

Although RFC 791 appears to disclose various features associated with IP protocol, IP is not a connectionless transport protocol. RFC 791 fails to disclose or suggest a connectionless transport protocol, much less a connectionless transport protocol having the claimed features.

The Examiner acknowledged that Matsuda fails to disclose a transport protocol used within an intelligent messaging network that provides for message segmentation and reassembly without relying on a client or server (see Office Action, page 5). The Examiner alleged that Wiedeman discloses such a feature at col. 5, lines 14-16 and col. 10, lines 15-20 and that it would have been obvious to modify Matsuda with such a feature to arrive at the claimed features. The Applicants respectfully disagree.

Wiedeman at col. 5, lines 14-16 discloses:

Each datagram is transmitted through the Internet, and may be fragmented into smaller units as it goes. When all the pieces finally arrive at the destination machine they are reassembled by the Network Layer into the original datagram.

Wiedeman at col. 10, lines 15-20 discloses:

The network layer and transport layer software at the destination router 9 then reassembles the IP fragments, puts the packets in their proper order, and delivers them to the server application.

Thus, Wiedeman relies on TCP/IP, not a connectionless transport protocol. Thus, Wiedeman fails to disclose or suggest a connectionless transport protocol, much less a connectionless transport protocol having the claimed features.

Matsuda in view of Wiedeman would still fail to disclose or suggest a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

A benefit of a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service is, e.g., added functionality to a connectionless transport protocol. Conventionally, a connectionless transport protocol, such as UDP does not provide the reliability and ordering guarantees that TCP does. Datagrams may arrive out of order or go missing without notice. Without the overhead of checking if every packet actually arrived, UDP is faster and more efficient for many lightweight or time-sensitive purposes. Also, its stateless nature is useful for servers that answer small queries from huge numbers of clients. Compared to TCP, UDP is required for broadcast (send to all on local network) and multicast (send to all subscribers). However, with UDP's speed and efficiency for certain applications, for other applications a more robust features set is desirable. Thus, Applicants' claimed features added to a connectionless transport protocol increases reliability without the full overhead associated with TCP/IP. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-6, 8, 24-29, 31, 47 and 50-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 9, 10, 30, 32 and 33 over Matsuda in view of Bell

In the Office Action, claims 7, 9, 10, 30, 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 7, 9, 10, 30, 32 and 33 are dependent on claims 1 and 24 respectively, and are allowable for at least the same reasons as claims 1 and 24.

Claims 7, 9, 10, 30, 32 and 33 recite a system and method relying on a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service.

As discussed above, Matsuda fails to disclose or suggest a system and method relying on a connectionless transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 7, 9, 10, 30, 32 and 33.

Bell appears to disclose a system and method for communicating a private network signaling message over a packet network and bridges for communicating a MAC layer frame over an isochronous channel (See Bell, col. 1, lines 34-38). Moreover, an isochronous signaling frame can be communicated over a nonisochronous network (See Bell, col. 1, lines 39-40). Telephony protocols and computer network protocols are cross-translated for packet based signaling (See Bell, col. 8, lines 38-46).

Thus, Bell discloses use of a computer network protocol. However, Bell simply discloses cross-translating a conventional computer network protocol to a telephony protocol. Bell fails to disclose or suggest a system and method that relies on a connectionless transport protocol while having benefits associated with TCP/IP, i.e., a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 7, 9, 10, 30, 32 and 33.

Thus, Matsuda in view of Bell would still fail to disclose or suggest a system and method relying a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 7, 9, 10, 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 7, 9, 10, 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336
WHB/df